

Our Ref: F2006/00524

Contact Officer: Ryan Gill

18 March 2016

Mr David Gibson  
Team Leader, Social Infrastructure  
Department of Planning and Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Attention: Nathan Stringer

Dear Sir,

**STATE SIGNIFICANT DEVELOPMENT APPLICATION: REFURBISHMENT OF ELECTRICAL ENGINEERING BUILDING, UNSW (SSD 7370)**

I refer to the abovementioned state significant development application for the refurbishment of the UNSW electrical engineering building and the related correspondence from the Department of Planning and Environment dated 9 February 2016.

Please find herewith Council's comments in relation to the development application. Council notes that the state significant development application is for the internal fit out of buildings G17 (Electrical Engineering Building) and F17 (Rex Vowels), façade upgrade, the provision of new roof top plant and structural works.

**Randwick DCP 2013**

Notwithstanding the provisions of clause 11 of the SSD SEPP, the SEARs issued for the subject application indicate that Randwick Development Control Plan 2013 should be given consideration. It is noted that the EIS broadly addresses the DCP however, given the extensive liaison that has occurred between UNSW and Council in relation to the Campus Design Principles and Provisions contained within part E2 of the Randwick DCP, it requested that these provisions be addressed in greater detail by the EIS.

**Design excellence and sustainability**

Sustainability is noted as a key element of design excellence in RLEP 2012, however the proposal is non-committal in regard to achieving any kind of benchmark in a recognised ratings system, and only notes compliance with Section J of the BCA, with limited ESD measures beyond the embodied energy benefits of re-using the existing building. A stronger commitment to sustainable building design and operation is encouraged for such a prominent building on campus, and to reflect the University's leading position in sustainable technologies.



## **Environmental health**

It is noted that a construction management plan detailing demolition and construction methodology is yet to be prepared. Council requests that details regarding the demolition, removal, storage, handling and disposal of asbestos based building products and materials be addressed in the CMP for the proposal with reference to relevant requirements of WorkCover NSW, NSW Environmental Protection Authority and Randwick City Council Asbestos Policy.

The proposal involves locating plant and equipment on the roof of EEB. The EIS indicates that future operational noise levels are unclear at this stage as final selection of plant and equipment is yet to be decided. In Council's view, it would be premature to approve the rooftop plant and equipment without certainty that its operation will not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

The EIS notes that noise controls will be incorporated within the design of the rooftop plant and that these controls may include physical barriers, enclosures, acoustic louvres, sound absorptive panels and the like. If such measures are required to mitigate acoustic impact it will be necessary to understand their likely configuration and design in order to assess visual impact, given the prominent location of these structures on the roof of the EEB.

## **Section 94A contributions**

It is noted that the applicant is seeking exemption for payment of a Section 94A developer contribution. The EIS notes that (p.17):

*"The underlying purpose of Council's Contributions Plan is to raise funds from private, commercially driven developments to be put towards the cost of public facilities and infrastructure which are burdened by those developments".*

This statement is incorrect. Randwick City Council's Section 94A Plan is not nexus-based, and is not aimed at developers. The Plan applies a flat percentage-based contribution to all development over a nominated value (1% for all developments over \$200,000), with limited exceptions (for example, charities and seniors housing). The University of NSW does not fall into a specified exempt category.

The underlying purpose of Council's Section 94A Plan is to obtain funding from development activities that increase the demand for council-provided public facilities or services, and applies across a wide range of development types, including residential, commercial, accommodation, educational and retail development.

Such developments are levied regardless of whether they add floor space or provide for an increase in occupants. The argument that contributions should not apply to the Electrical Engineering building because there is no increase in floor space, student or staff numbers is not supported, and is considered inequitable when compared to the requirement under the Plan for families to contribute s94A funds for home alterations.

Council has consistently considered that development by the University falls under the provisions of Council's Section 94A Contributions Plan. While noting that the University holds a prominent role in Randwick City, and that the large number of staff and students

provide flow-on economic benefits to surrounding businesses and town centres, the University also places heavy demands on and also benefits from the public services and facilities provided by the Council. This issue has previously been raised with the Department of Planning and Environment on several occasions.

The EIS notes that "UNSW has ... agreed with RCC that any condition requiring a development contribution will include the words 'for public domain works within the University of New South Wales and Hospitals Precinct.'" Council has not agreed with this wording, although remains happy to for the University to table preferred works with Council as part of ongoing discussions about the broader University-Hospital precinct.

The EIS also suggests the above quoted wording is "in accordance with Council's Planning Committee report and resolution of 9 February 2010". To clarify, the purpose of this report was to address a request from the University to amend Council's S94A Plan to exempt the University from levies. In response the report noted that UNSW should not be exempt from s94A levies, but that the Works Schedule within the Plan could "specifically include public domain works around the University and linking to the nearby town centres." Council has, in subsequent updates of the S94A Plan, included this within the Works Schedule.

The Section 94A Plan further allows for alternative methods of payment or provision of a public benefit, such as works-in-kind in lieu of a contribution to be negotiated via a Voluntary Planning Agreement process. Council notes that the University has not suggested such a process to date for any developments on campus, but this remains an option should the University seek public domain improvements or other suitable works directly in the vicinity of the campus.

The EIS notes that previous consents (such as the Tyree Building) on the UNSW campus have adopted a reduced developer contribution based on the net increase in staff and/or student numbers. This approach is not supported by Council.

The subject land owned by the University is not subject to payment of rates. Contributions under Council's Section94A plan are considered reasonable and appropriate to reflect the impact of and use by the University of Council-provided facilities and services, and is consistent with the application of the Plan across the whole of Randwick City.

Council therefore requests that any consent issued for the development should include a requirement consistent with the S94A Plan for a developer contribution of 1% of the Capital Investment Value (CIV) project cost of \$80 million, equating to \$800,000.

## **Conclusion**

While the proposed development stands to provide UNSW and greater Randwick locality with economic and social benefits, the distinct environmental impacts of the development have relevance and should be addressed.

The above issues are pertinent to maintaining environmental amenity and providing a high quality design outcome for this prominent site, in the interest of both the University and the wider community.

If you have any queries or wish to further discuss any of the issues raised above, please contact Ryan Gill in Council's City Planning Department, on 9399 0990.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Kerry Kyriacou', written in a cursive style.

Kerry Kyriacou  
**Manager Development Assessment**